

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

WEBSTER BANK, NATIONAL ASSOCIATION, Plaintiff,)	
)	
)	
v.)	C.A. 1:22-cv-00194-JJM-PAS
)	
JUDITH POMPEI-SMITH, Defendants.)	
)	
)	

MOTION TO COMPEL PRODUCTION OF DOCUMENTS

NOW COMES Webster Bank, National Association, through its attorneys, who respectfully requests that this Honorable Court issue an order compelling the defendant to produce documents, data, and things pursuant to Fed. R. Civ. P. 37. For reasons therefore, the plaintiff states the following:

1. On October 18, 2022, the plaintiff served the defendant with its *First Request for the Production of Documents and Things*. See *Exhibit A*. The deadline for the defendant to serve a response to said request was October 17, 2022.
2. To date, no written response has been received by the plaintiff and no documents have been produced in response to the *First Request for the Production of Documents and Things*.
3. As a result of the defendant's failure to object to any of the requests within the time prescribed by Fed. R. Civ. P. 34, the defendant has forfeited her right to object on any basis. See, Marx v. Kelly, Hart & Hallman, P.C., 929 F.2d 8, 12 (1991).

WHEREFORE, the Plaintiff prays that this Court:

- I. Enter an order compelling the production of the requested documents by the defendant within thirty (30) days and that all objections are deemed waived;
- II. Enter an order dismissing the case if the documents are not produced by the defendant as ordered; and
- III. Order any other relief that the Court deems just and equitable.

Respectfully submitted,
WEBSTER BANK, NATIONAL ASSOCIATION,
By its attorneys,

/s/ Brian J. Hughes

Brian J. Hughes, R.I. Bar No. 10259
Brennan, Recupero, Cascione, Scungio & McAllister LLP
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Providence, RI 02909
(401) 453-2300
(401) 453-2345 (fax)
bhughes@brcsm.com

Dated: November 18, 2022

CERTIFICATE OF SERVICE

I, Brian J. Hughes, hereby certify that on November 18, 2022, I served a copy of the above document by causing the same to be electronically mailed through the ECM/CF system. I also served the defendant via electronic mail at judip5163333@gmail.com.

/s/ Brian J. Hughes

Brian J. Hughes

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

**WEBSTER BANK, NATIONAL
ASSOCIATION,
Plaintiff,**

v.

**JUDITH POMPEI-SMITH,
Defendants.**

C.A. 1:22-cv-00194-JJM-PAS

**PLAINTIFF'S FIRST REQUEST FOR THE PRODUCTION OF
DOCUMENTS AND THINGS**

NOW COMES Webster Bank, National Association, the plaintiff herein ("Webster"), who respectfully requests that the defendant, Judith Pompei-Smith, produce the following documents and things within thirty (30) days pursuant to Federal Rule of Civil Procedure 34.

DEFINITIONS

1. The terms "You" and "Yours" shall mean the defendant, Judith Pompei-Smith.
2. The term "Webster" shall mean the plaintiff, Webster Bank, National Association, its agents, representatives, employees, contractors, and attorneys.
3. The term "Property" or "Premises" shall mean the real estate known and numbered as 370 Larchwood Drive, Warwick, Rhode Island.
4. The "Mortgage" shall refer to the Promissory Note executed by You in favor of Webster, dated February 28, 2003 and which is secured by a Mortgage on the Property.

REQUESTS

1. All documents that you expect to introduce as evidence or to identify at trial or in any motion practice.

2. All reports of any expert witness that you have consulted with, retained, or which you expect to present evidence at trial or in any motion practice.
3. All documents supporting the factual statements made in your answer to the Complaint.
4. All correspondence or notes of oral communication between You and Webster.
5. All correspondence or notes of oral communication between You and any other person or entity (not including your lawyer) relating to Webster or the Property.
6. All correspondence or notes of oral communication between You and the United States Army, or any other governmental office or agency.
7. All evidence of payments made to Webster since January 1, 2014.
8. All documents showing all sources of your income for the years 2021 and 2022.
9. All documents that you rely upon in asserting that you qualify as a dependent under the Servicemembers Civil Relief Act.
10. All documents indicating that Steven M. Smith is currently serving in the armed forces of the United States or its allies.
11. All documents supporting your assertion that your inability to pay the Mortgage is the result of Steven M. Smith's military service.
12. All documents that you rely upon in asserting that Webster committed any violation of the Real Estate Settlement Procedures Act.
13. All documents that you rely upon in asserting that Webster committed any violation of the Fair Credit Reporting Act.

Respectfully submitted,
WEBSTER BANK, NATIONAL ASSOCIATION,
By its attorneys,

/s/ Brian J. Hughes

Brian J. Hughes, R.I. Bar No. 10259
Brennan, Recupero, Cascione, Scungio & McAllister LLP
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Providence, RI 02909
(401) 453-2300
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bhughes@brscsm.com

Dated: October 18, 2022

CERTIFICATE OF SERVICE

I, Brian J. Hughes, hereby certify that on October 18, 2022, I served a copy of the above document by causing the same to be mailed via electronic mail upon the following:

Judith Pompei-Smith
370 Larchwood Drive
Warwick, RI 02886
judip5163333@gmail.com

/s/ Brian J. Hughes

Brian J. Hughes